United Nations A/C.3/58/L.29

General Assembly

Distr.: Limited
28 October 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 113
Promotion and protection of the rights of children

Antigua and Barbuda, Argentina, Austria, Barbados, Belgium, Brazil, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Spain, Suriname, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 57/190 of 18 December 2002, and Commission on Human Rights resolution 2003/86 of 25 April 2003,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of its Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[3] as well as other relevant human rights instruments,

Reaffirming that the general principles of the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children,

Reaffirming also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of Children in the

[1] E/2003/23 (Part I)-E/CN.4/2003/135 (Part II), chap. II, sect A. For the final text, see *Official Records of the Economic and Social Council, 2003, Supplement No. 23* (E/2003/23).
[2] Resolution 44/25, annex.
[3] Resolution 54/263, annexes I and II.

03-58324 (E) 031103

1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[4] the United Nations Millennium Declaration[5] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[6]

Reaffirming further the outcome document of the special session of the General Assembly on children entitled "A world fit for children",[7] and the commitments contained therein to promote and protect the rights of the child — every human being below the age of 18 years, including adolescents, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Reaffirming the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in promoting and protecting the rights and welfare of children, and noting the importance of the debates held by the Security Council on children and armed conflict, of Council resolutions 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child[8] and on progress achieved in realizing the commitments of the document entitled "A world fit for children",[9] and the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[10]

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention, and taking note of the general comment No. 4 (2003) on adolescent health and development[11] and of the conclusions of the general discussion of the Committee on the rights of indigenous children held on 19 September 2003,

Welcoming further the entry into force of the amendment to article 43, paragraph 2, of the Convention allowing for the increase of the membership of the Committee on the Rights of the Child from ten to eighteen,

Welcoming the appointment by the Secretary-General of the independent expert for the United Nations study on violence against children,

---

[4] A/45/625, annex.
[5] Resolution 55/2.
[6] A/CONF.157/24 (Part I), chap. III.
[7] Resolution S-27/2, annex.
[8] A/58/282.
[9] A/58/333.
[10] A/58/328.
[11] CRC/GC/2003/4.

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), malaria, tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, including gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Bearing in mind the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010, and recalling the Declaration and Programme of Action on a Culture of Peace,[12] which serve as the basis for the Decade,

Recognizing that the family is the basic unit of society and as such should be strengthened, that it is entitled to receive comprehensive protection and support, that the primary responsibility for the protection, upbringing and development of children rests with the family, and that all institutions of society should respect the rights of the child and secure his or her well-being and render appropriate assistance to parents, families, legal guardians and other caregivers so that children can grow and develop in a safe and stable environment and in an atmosphere of happiness, love and understanding, bearing in mind that in different cultural, social and political systems, various forms of family exist,

Recognizing also that partnership among Governments, international organizations and relevant organs and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, including non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Underlining the need for mainstreaming a gender perspective in all policies and programmes relating to children,

Implementation of the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

1. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child[2] as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children;

2. *Expresses its concern* at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to review other reservations with a view to withdrawing them;

3. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of

[12] Resolutions 53/243 A and B.

children in armed conflict and on the sale of children, child prostitution and child pornography,[3] and urges States parties to implement them fully;

4. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind and that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development are ensured to the maximum extent possible, and that the child is able to express his or her views freely in all opinions on matters affecting him or her and that these views are listened to and given due weight in accordance with his or her age and maturity;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by:

(a) Putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

(b) Ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, including specialized judges, law enforcement officials, lawyers, social workers, medical doctors, health professionals and teachers, and of coordination among various governmental bodies involved in children's rights, and encourages States and relevant bodies and organizations of the United Nations system to continue to promote education and training in this regard;

6. *Encourages* all States:

(a) To strengthen their national statistical capacities and to use disaggregated statistics, inter alia, disaggregated by age, gender and other relevant factors that may lead to disparities, and other statistical indicators at the national, subregional, regional and international levels in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

(b) To strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, as well as other relevant actors;

7. *Calls upon* States parties:

(a) To ensure that the members of the Committee on the Rights of the Child are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(b) To strengthen their cooperation with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

8. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United

Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting so make possible the full discharge of their mandates;

9. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, and recognizes in this regard the contribution of the establishment of the International Criminal Court, as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not to grant amnesties for these crimes;

10. *Stresses* that the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children will contribute to the implementation of the Convention;

11. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

12. *Encourages* Governments and relevant United Nations bodies, as well as relevant non-governmental organizations and child rights advocates, to continue to contribute, as appropriate, to the web-based database launched by the United Nations Children's Fund so as to continue the provision of information on laws, structures, policies and processes adopted at the national level to translate the Convention into practice, and in this regard commends that body for its work to disseminate lessons learned in the implementation of the Convention;

Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

Identity, family relations and birth registration

13. *Calls upon* all States to intensify efforts to ensure the registration of all children immediately after birth, including through the consideration of simplified, expeditious and effective procedures;

14. *Also calls upon* all States to undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law, without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

15. *Urges* all States to ensure, as far as possible, the right of the child to know and be cared for by his or her parents;

16. *Also urges* all States to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to

judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary in the best interest of the child, and, where alternative care is necessary, to promote family and community-based care in preference to placement in institutions, recognizing that such determination may be necessary in a particular case, such as one involving abuse or neglect of the child by the parents or one in which the parents are living separately and a decision must be made as to the child's place of residence;

17. *Calls upon* States to take all necessary measures to ensure that the best interest of the child is the primary consideration in adoptions of children and to take all necessary measures to prevent and combat illegal adoptions and adoptions that do not follow the normal procedures;

18. *Also calls upon* States to take all necessary measures to address the problem of children growing up without parents, in particular orphaned children and children who are victims of family and social violence, neglect and abuse;

19. *Urges* States to address cases of international kidnapping of children by one of the parents;

Poverty

20. *Reaffirms* that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

21. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the development and poverty reduction goals, as set out in the United Nations Millennium Declaration,[5] are realized within their time framework, and to promote the enjoyment of the rights of the child;

Health

22. *Calls upon* all States to take all appropriate measures to develop sustainable health systems and social services and to ensure access to such systems and services without discrimination, and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to special needs of adolescents, to reproductive and sexual health and to threats from substance abuse and violence, in particular to all vulnerable groups, and calls upon all States parties to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health;

23. *Also calls upon* all States to give support and rehabilitation to children and their families affected by human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

24. *Calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory for all, without discrimination and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children, children belonging to minorities and children from different ethnic origins, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible for all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention;

(b) To develop national plans of action, or to strengthen existing ones, in order to achieve the objectives of Education for All so as to ensure that all boys and girls complete a full course of primary schooling;

(c) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular to enable them to continue and complete their education;

(d) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(e) To ensure that children, from an early age, benefit from education and from participation in activities that develop respect for human rights and emphasize the practice of non-violence, with the aim of instilling in them the values and goals of a culture of peace, and invites States to develop national strategies for human rights education that are comprehensive, participatory and effective;

(f) To ensure that education programmes and materials reflect fully the promotion and protection of human rights and values of peace, tolerance and gender equality, using every opportunity presented by the International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010;

(g) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

25. *Encourages* the mass media to disseminate information and material of social and cultural benefit to the child in accordance with the spirit of article 29 of the Convention, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health and, in this regard, calls upon States to ensure that the child has access to information and material from a diversity of national and international sources;

26. *Urges* States:

(a) To take measures to protect students from violence, injury or abuse, including sexual abuse and intimidation in schools, to establish complaint

mechanisms that are accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

27. *Calls upon* States to take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

28. *Also calls upon* States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

29. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

Non-discrimination

30. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

31. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices, and calls upon States to provide special support and ensure equal access to services for those children;

32. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion or to use his or her own language;

The girl child

33. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse

and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

34. *Calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and, where necessary, to develop and enforce legislation against their discrimination to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

35. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities to consider the issue of children with disabilities in its deliberations;

Migrant children

36. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

Children working and/or living on the street

37. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

38. *Calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

39. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

40. *Urges* all States that have not yet done so to consider ratifying and implementing the Convention Concerning the Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to these instruments to comply in a timely manner with their reporting obligations;

Children alleged to have or recognized as having infringed penal law

41. *Calls upon*:

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights,[13] keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law as soon as possible the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) All States to protect children deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(c) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are provided with adequate legal assistance and are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or corporal punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

[13] See resolution 2200 A (XXI), annex.

Recovery and social reintegration

42. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations as well as other relevant actors;

Prevention and eradication of the sale of children, child prostitution and child pornography

43. *Calls upon* all States:

(a) To take all appropriate national, bilateral and multilateral measures, inter alia, to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(b) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(c) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[14]

(d) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures against the criminalization of children who are victims of exploitation and effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, in the offender's country of origin or in the country of destination, in accordance with due process of law;

(e) In cases of the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their physical and psychological recovery and full reintegration into society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption and effective application

[14] Resolution 55/25, annex II.

of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as ensuring public awareness;

(g) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[3] including assistance in obtaining evidence at their disposal for the proceedings;

(h) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

Children in armed conflict

44. *Takes note* of the entry into force of the Rome Statute of the International Criminal Court[15] and notes in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

45. *Urges* all States and all other parties to armed conflicts, as recommended in section V of its resolution 57/190:

(a) To end the recruitment and/or use of children in situation of armed conflict contrary to international law and to ensure their demobilization, effective disarmament and rehabilitation, physical and psychological recovery and reintegration into society;

(b) When ratifying the Optional Protocol to the Convention on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons below the age of 18 years are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(c) To protect children affected by armed conflict, in particular to protect them from acts that constitute violations of humanitarian law and human rights law and to ensure that they receive timely, effective and unhindered humanitarian assistance as well as support for physical and psychological recovery, as recommended in section V of General Assembly resolution 57/190 and in Commission on Human Rights resolution 2003/86;

(d) To consider appropriate legal, political, diplomatic, financial and material measures, in accordance with the Charter of the United Nations, in order to ensure that parties to armed conflict respect international norms for the protection of

[15] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: Final documents (United Nations publication, Sales No. E.02.I.5), sect. R.

children, bearing in mind in particular those parties to armed conflict named in the reports of the Secretary-General on children and armed conflict that are known to recruit or use children as soldiers in violation of their international obligations;

46. *Emphasizes* the importance of giving systematic consideration to the rights, special needs and particular vulnerability of the girl child during conflicts and in post-conflict situations;

47. *Regrets* the fact that the report on a comprehensive assessment of the United Nations response to the issue of children affected by armed conflict, requested in its resolution 57/190, has not yet been submitted, and reiterates its request to the Secretary-General to submit his report for consideration as soon as possible;

Follow-up

48. *Urges* those States that have not yet done so to complete a national action plan as soon as possible incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document, "A world fit for children", and to place those goals in the framework of the Convention;

49. *Invites* the independent expert conducting the study on the question of violence against children to present an oral progress report on the study to the General Assembly at its fifty-ninth session;

50. *Decides*:

(a) To request the Secretary-General to prepare an updated report on progress achieved in realizing the commitments set out in the document entitled "A world fit for children", with a view to identifying problems and constraints and making recommendations on the action needed to achieve further progress, and to submit his report to the General Assembly at its fifty-ninth session;

(b) To request the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on the rights of the child containing information on the status of the Convention and the problems addressed in the present resolution;

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit to the General Assembly, the Security Council and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, taking into account the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

(d) To request the independent expert for the United Nations study on violence against children to conduct the study as soon as possible, invites Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study, and invites non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee made following the general discussions on violence against children held in September 2000 and 2001, and, further, encourages

the independent expert to seek also the participation of children in the study, taking into account their age and maturity;

(e) To request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties to the Convention and its transparent and effective functioning;

(f) To continue its consideration of this question at its fifty-ninth session under the item entitled "Promotion and protection of the rights of children".

United Nations A/C.3/58/L.30

General Assembly

Distr.: Limited
29 October 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Israel: draft resolution

The situation of and assistance to Israeli children

The General Assembly,

Recalling the Convention on the Rights of the Child[1] and the Universal Declaration of Human Rights,[2]

Recalling also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[3]

Recalling further the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,[4]

Concerned that Israeli children suffering from the effects of Palestinian terrorism are deprived of many basic rights under the Convention,

Concerned also about the continuous grave threat to Israeli children from Palestinian terrorism, and about the severe consequences of continuing terrorist attacks by Palestinian terrorist groups such as Hamas, Islamic Jihad and the Al Aqsa Martyrs' Brigade directed against Israeli civilians, including children,

Expressing its condemnation of all acts of violence and incitement to violence and terrorism, resulting in extensive loss of human life and injuries, including among Israeli children,

[1] Resolution 44/25, annex.
[2] Resolution 217 A (III).
[3] A/45/625, annex.
[4] See resolution S-27/2, annex.

03-58700 (E) 301003

Deeply concerned about the severe consequences, including psychological consequences, of Palestinian terrorist attacks on the present and future well-being of Israeli children,

1. *Stresses* the urgent need for Israeli children to live a normal life free from terrorism, destruction and fear;

2. *Demands* that the Palestinian Authority respect its obligations to undertake effective operations aimed at confronting all those engaged in terror and the dismantlement of terrorist capabilities and infrastructure, and to guarantee that those responsible for terrorist acts are brought to justice;

3. *Requests* the Secretary-General to submit a report on compliance with paragraph 2 above within one month, upon receipt of which further actions should be considered, if necessary, within the United Nations system.

United Nations A/C.3/58/L.30/Rev.1

General Assembly

Distr.: Limited
11 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 117 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Israel: revised draft resolution

The situation of and assistance to Israeli children

The General Assembly,

Recalling the Convention on the Rights of the Child[1] and the Universal Declaration of Human Rights,[2]

Recalling also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[3]

Recalling further the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,[4]

Emphasizing the importance of the safety and well-being of all children in the whole Middle East region,

Concerned that Israeli children suffering from the effects of terrorism are deprived of many basic rights under the Convention,

Concerned also about the continuous grave threat to Israeli children from Palestinian terrorism, and about the severe consequences of continuing terrorist attacks by terrorist groups such as Hamas, Islamic Jihad and the Al Aqsa Martyrs' Brigade directed against Israeli civilians, including children,

[1] Resolution 44/25, annex.
[2] Resolution 217 A (III).
[3] A/45/625, annex.
[4] See resolution S-27/2, annex.

03-60909 (E) 111103

Expressing its condemnation of all acts of violence and incitement to violence and terrorism, resulting in extensive loss of human life and injuries, including among Israeli children,

Deeply concerned about the severe consequences, including psychological consequences, of terrorist attacks on the present and future well-being of Israeli children,

1. *Stresses* the urgent need for Israeli children to live a normal life free from terrorism, destruction and fear;

2. *Demands* that the Palestinian Authority respect its obligations to undertake effective operations aimed at confronting all those engaged in terror and the dismantlement of terrorist capabilities and infrastructure, and to guarantee that those responsible for terrorist acts are brought to justice.

United Nations A/C.3/58/L.31

General Assembly

Distr.: Limited
3 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 116
Right of peoples to self-determination

Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Democratic Republic of the Congo, Dominican Republic, Egypt, Eritrea, Islamic Republic of Iran, Kenya, Kuwait, Libyan Arab Jamahiriya, Malaysia, Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Suriname, Thailand, Togo, United Arab Emirates, Viet Nam, Zambia and Zimbabwe: draft resolution

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military

[1] Resolution 2200 A (XXI), annex.

03-59348 (E) 041103

intervention, aggression and occupation, adopted by the Commission on Human Rights at its fifty-ninth[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 57/197 of 18 December 2002,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, which, inter alia, upholds the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-ninth session under the item entitled "Right of peoples to self-determination".

---

[2] To be issued in *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23).

[3] A/58/180.

United Nations A/C.3/58/L.32

General Assembly

Distr.: Limited
3 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 116
Right of peoples to self-determination

Algeria, Angola, Burundi, China, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Eritrea, India, Iran (Islamic republic of), Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Peru, Russian Federation, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo and Vietnam: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 57/196 of 18 December 2002, and taking note of Commission on Human Rights resolution 2003/2 of 14 April 2003,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

03-59356 (E) 041103

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[4]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies' intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and calls upon all States

[3] Resolution 2625 (XXV), annex.
[4] See A/58/115.
[5] Resolution 44/34, annex.

that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention;

7. *Welcomes also* the cooperation extended by those countries that have received visits from the Special Rapporteur;

8. *Welcomes further* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

10. *Welcomes* the organization, in compliance with General Assembly resolution 56/232 of 24 December 2001, of the second meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of its conclusions;

11. *Expresses its appreciation* for the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Special Rapporteur, with the Secretary-General's assistance, to circulate it to the Member States and to seek their views and comments in order to report to the General Assembly at its fifty-ninth session as additional contributions to the discussion preceding the review of amendments to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by these activities;

13 *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Recommends* that the Commission on Human Rights renew the mandate of the Special Rapporteur for a period of three years;

15 *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

17. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its fifty-

ninth session his findings on the use of mercenaries to undermine the right of peoples to self-determination;

18. *Decides* to consider at its fifty-ninth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

United Nations A/C.3/58/L.33

General Assembly

Distr.: Limited
3 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 116
Right of peoples to self-determination

Argentina, Brazil, Chile, Cuba, Dominican Republic, El Salvador, Guatemala, Mexico, Paraguay, Peru, Timor-Leste and Uruguay: draft resolution

The incompatibility between democracy and racism

The General Assembly,

Guided by the Universal Declaration of Human Rights,[1] the Charter of the United Nations, the International Covenants on Human Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination,[3]

Recalling the commitment reached in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[4] concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[5]

Taking note of the Commission on Human Rights resolutions 2000/40 of 20 April 2000,[6] 2001/43 of 23 April 2001,[7] 2002/39 of 23 April 2002[8] and 2003/41 of 23 April 2003,[9]

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] A/CONF.157/24 (Part I), chap. III.
[5] See A/CONF.189/12 and Corr.1, chap. I.
[6] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[7] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[8] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[9] E/2003/23 (Part I), chap. II, sect. A.

03-59362 (E) 041103

alia, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination as incompatible with democracy and transparent and accountable governance;

2. *Also condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

3. *Affirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

4. *Affirms also* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

5. *Condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

7. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance, and encourages political parties to take concrete steps to promote solidarity, tolerance and respect, inter alia, by developing voluntary codes of conduct that include internal disciplinary measures for violations thereof so that their members must refrain from public statements and actions that encourage or incite racism, racial discrimination and related intolerance;

8. *Invites* the Inter-Parliamentary Union to encourage debate in, and action by, parliaments on various measures, including laws and policies, to combat racism, racial discrimination, xenophobia and related intolerance;

9. *Invites* the mechanisms of the Commission on Human Rights and the treaty bodies to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

10. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the incompatibility between democracy and racism;[10]

11. *Also takes note* of the outcome of the expert seminar held by the Office of the United Nations High Commissioner for Human Rights in Geneva in November 2002 on the interdependence between democracy and human rights;[11]

12. *Invites* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to update and expand the study on the issue of political platforms which promote or incite racial discrimination[12] and to submit it to the General Assembly at its fifty-ninth session;

13. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item.

---

[10] E/CN.4/2003/62 and Add.1.

[11] See E/CN.4/2003/59.

[12] A/CONF.189/PC.2/21 and Corr.1 and 2.

United Nations A/C.3/58/L.34

General Assembly

Distr.: Limited
3 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 115 (a)
Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Morocco:* draft resolution

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001,[1] as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Recalling also its resolution 57/195 of 18 December 2002, by which it outlined the important roles and responsibilities of the various organs of the United Nations, including the Commission on Human Rights as the relevant subsidiary body of the Economic and Social Council,

Recalling further Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

Stressing that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993[2] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

---

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] A/CONF.157/24 (Part I), chap. III.

03-59390 (E) 051103

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[3]

Stressing the need for maintaining political will and momentum at the national, regional and international levels to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Recognizing that the successful implementation of the Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

---

[3] Resolution 217 A (III).

Welcoming all the positive developments that have taken place within the framework of the Commission on Human Rights, through its intersessional working groups and other mechanisms specifically created for the effective implementation of the Durban Declaration and Programme of Action,

Endorsing the Secretary-General's appointment of members of the eminent persons group[4] to follow up the implementation of the Durban Declaration and Programme of Action,

Welcoming the final nomination to the Working Group of Experts on People of African Descent, which completed the membership of the Working Group,

Welcoming also all the regional initiatives being undertaken to implement the Durban commitments, and in this context expressing its appreciation to the Governments of Mexico, Kenya and the Czech Republic for hosting the regional expert seminars with a view to the implementation of the Durban Declaration and Programme of Action within their respective regions, and encouraging other regions to take the necessary action in this regard,

Expressing its deep alarm at the increasing incidents of racism in various sporting events,

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism and racial discrimination, and xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing to prevent those crimes from going unpunished and to ensure the rule of law;

[4] Members of the eminent persons group: Martti Oiva Kalevi Ahtisaari (Finland), His Royal Highness Prince El Hassan bin Talal (Jordan), Edna Maria Santos Roland (Brazil), Salim Ahmed Salim (United Republic of Tanzania) and Hanna Suchocka (Poland).

6. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance;

9. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

10. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination[5] as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

11. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

12. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[3] and article 5 of the Convention;

13. *Notes* that the Committee on the Elimination of Racial Discrimination holds that the prohibition of the dissemination of ideas based on racial superiority or

[5] Resolution 2106 A (XX), annex.

racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

14. *Welcomes* the emphasis placed by the Committee on the Elimination of Racial Discrimination on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[6]

15. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

16. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

17. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

18. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

19. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

20. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing

[6] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

22. *Reaffirms* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

23. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

24. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

25. *Endorses* the recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[7] adopted by consensus on 21 March 2003, and calls for the full and effective implementation of those recommendations by all stakeholders;

26. *Encourages* the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to continue its future sessions on the basis of the thematic approach adopted during its last session, focusing on the critical areas affecting the well-being of the victims of racism, and notes with appreciation that to this end the next session of the Working Group will analyse the themes relating to poverty eradication;

27. *Welcomes* the decision by the Government of Chile to continue to chair the future sessions of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also notes with appreciation the renewal of the mandate of the Working Group for an initial period of three years;

28. *Welcomes also* the recommendations of the Working Group of Experts on People of African Descent[8] and takes note of the programme of work for the future sessions of the Working Group, adopted at its session held from 1 to 10 October 2003;

29. *Notes with appreciation* the renewal of the mandate of the Working Group of Experts on People of African Descent for an initial period of three years;

30. *Endorses* the adjustments effected by the Commission on Human Rights to the mandate of the Working Group of Experts on People of African Descent through its resolution 2003/30 of 23 April 2003;

31. *Welcomes* the substantive outcome of the inaugural session of the eminent persons group, held in Geneva from 16 to 18 September 2003, with the

[7] See E/CN.4/2003/20.
[8] See E/CN.4/2003/21.

participation of representatives of Member States, the United Nations system and civil society;

32. *Acknowledges with appreciation* the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] on 1 July 2003 and invites all States that have not yet done so to consider acceding to that important instrument;

33. *Notes with satisfaction* the progress made during the first and second sessions of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, held in New York from 29 July to 9 August 2002 and 15 to 26 July 2003;

34. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

35. *Expresses its deep concern* at the poor level of support and the general lack of leadership provided by the Anti-Discrimination Unit to the mechanisms created by the Commission on Human Rights to follow up the implementation of the Durban Declaration and Programme of Action, and calls on the Office of the United Nations High Commissioner for Human Rights to accord priority to the work of the Anti-Discrimination Unit, including its proper and permanent staffing;

IV
Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

36. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action, and calls for its full implementation at the national, regional and international levels;

37. *Decides*, after considering the report of the Secretary-General on the extent of the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,[10] to close the Third Decade;

38. *Decides also*, as part of the activities to combat racism, racial discrimination, xenophobia and related intolerance, to place emphasis on the concrete implementation on the Durban Declaration and Programme of Action as the only basis for a broad-based consensus on the importance of the struggle for non-racialism worldwide;

[9] Resolution 45/158, annex.
[10] A/58/80-E/2003/71.

V

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

39. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

40. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

41. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

42. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

43. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

44. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

45. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

46. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-ninth session;

47. *Takes note with appreciation* of the recommendations contained in the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[11] and encourages the continuation of his work;

48. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur, and calls on other relevant stakeholders to implement those recommendations;

[11] See A/58/313.

49. *Calls on* the Special Rapporteur, in the execution of his mandate, to pay special attention to the growing incidents of racism in various sporting events, and in this context to explore the possibility of introducing a racial equality index;

VI
General

50. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-ninth session;

51. *Decides* to remain seized of this important matter under the agenda item entitled "Elimination of racism and racial discrimination" at its fifty-ninth session.

United Nations A/C.3/58/L.35

General Assembly

Distr.: Limited
3 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 116
Right of peoples to self-determination

Algeria, Austria, Bahrain, Bangladesh, Belgium, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, China, Congo, Cuba, Cyprus, Denmark, Djibouti, Egypt, Ethiopia, Finland, France, Greece, India, Indonesia, Ireland, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Malta, Morocco, Niger, Nigeria, Oman, Pakistan, Palestine,* Portugal, Qatar, Saudi Arabia, Senegal, South Africa, Spain, Sudan, Sweden, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen and Zambia: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling further the United Nations Millennium Declaration,[6]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

---

* In accordance with General Assembly resolution 52/250.

[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.174 (Part I), chap. III.

[5] See resolution 50/6.

[6] See resolution 55/2.

03-59402 (E) 041103

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

United Nations A/C.3/58/L.36

General Assembly

Distr.: Limited
4 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 110
Advancement of women

Mexico and Morocco:* draft resolution

Future operation of the International Research and Training Institute for the Advancement of Women

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolutions 55/219 of 23 December 2000, 56/125 of 19 December 2001 and 57/175 of 18 December 2002,

Recalling also that in its resolution 56/125 it decided to establish a working group mandated to make recommendations to the General Assembly on the future operation of the International Research and Training Institute for the Advancement of Women,

Reaffirming its resolution 57/311 of 18 June 2003, entitled "Financial situation of the International Research and Training Institute for the Advancement of Women",

Welcoming Economic and Social Council resolution 2003/57 of 24 July 2003, in which the Council decided to amend articles III and IV of the statute of the International Research and Training Institute for the Advancement of Women,

Welcoming also the efforts and the consistency in the labour of the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women in promoting a comprehensive approach to the revitalization and strengthening of the Institute, which has led to the adoption of important institutional and political changes that are contributing to the strengthening of the Institute,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

03-59548 (E) 051103

1. *Welcomes* the final report of the Working Group on the Future Operation of the International Research and Training Institute for the Advancement of Women,[1] in which the Working Group, inter alia, reaffirmed the mandate of the Institute in the field of gender equality and the advancement of women and stressed the need for it to be reformed and revitalized, as recommended in its report and endorsed by the General Assembly in its resolution 57/175;

2. *Decides* to continue monitoring the implementation of the measures recommended by the Working Group in its report, in close consultation with the Secretary-General;

3. *Stresses* the critical importance of voluntary financial contributions by Member States to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women to enable it to carry out its mandate;

4. *Urges* Member States to make voluntary contributions to the Trust Fund, particularly during this critical transitional period;

5. *Decides* to continue to provide its full support to the current efforts to revitalize the International Research and Training Institute for the Advancement of Women and, in this regard, to provide funds complementary to the existing ones, if needed, to ensure that the Institute will have adequate resources to function for a period of one year and to prepare the report requested in resolution 57/311, in the light of the delay in appointing a Director to implement a feasible work programme and fund-raising activities;

6. *Decides* to request the Working Group to continue monitoring the implementation of the recommendations and measures contained in its report;

7. *Requests* the Secretary-General:

(a) To appoint, without delay and in consultation with the Working Group, a Director to be chosen from among candidates who demonstrate knowledge and expertise in, inter alia, gender issues and social research;

(b) To report to the General Assembly at its fifty-ninth session on the implementation of the present resolution.

[1] A/57/330 and Add.1.

United Nations A/C.3/58/L.37

General Assembly

Distr.: Limited
5 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

South Africa:* draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 57/183 of 18 December 2002,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Recalling the Khartoum Declaration[3] and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa[4] adopted by the Organization of African Unity[5] at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision EC/CL/Dec.27 (III) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its third ordinary session, held at Maputo from 4 to 8 July 2003,

Welcoming also decision AHG/Dec.165 (XXXVII) on the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees by the

* On behalf of the States Members of the United Nations that are members of the African Group.

[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[2] Ibid., vol. 1520, No. 26363.

[3] A/54/682, annex I.

[4] Ibid., annex II.

[5] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

03-59865 (E) 061103

Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001,[6]

Recalling General Assembly resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development, and affirming that international support for the implementation of the New Partnership for Africa's Development[7] is essential, notably as it relates to refugees, returnees and displaced persons,

Reaffirming that the 1951 Convention relating to the Status of Refugees,[8] together with the 1967 Protocol thereto,[9] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing that the fundamental principles and rights embodied in those Conventions have provided a resilient protection regime within which millions of refugees have been able to find safety from armed conflicts and persecution,

Welcoming in that regard the Declaration adopted at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, held at Geneva on 12 and 13 December 2001,[10] as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol,

Recalling the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, and noting its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session, held at Lomé from 6 to 8 July 2000,[11]

Commending the First Ministerial Conference on Human Rights in Africa of the African Union, held at Kigali on 8 May 2003, and recalling the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in that regard the need for States to

---

[6] See A/56/457, annex I.

[7] A/57/304, annex.

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

[10] HCR/MMSP/2001/10, annex I.

[11] See A/55/286, annex I, decision CM/Dec.531 (LXXII), para. 8.

foster peace, stability and prosperity throughout the African continent to forestall large refugee flows,

Convinced of the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Noting the "Convention Plus" initiative of the United Nations High Commissioner for Refugees, aimed at strengthening the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden and responsibility-sharing and realizing durable solutions,

Deeply concerned about the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and southern Africa, aggravated, among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people,

Noting with great concern that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable and non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General[12] and the United Nations High Commissioner for Refugees;[13]

2. *Notes with concern* that the deteriorating socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Encourages* African States to ensure the full implementation of and follow-up to the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion

[12] A/58/353.

[13] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* and addendum (A/58/12 and Add.1).

of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969;[1]

4. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. [*Acknowledges* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum by, inter alia, making all efforts to locate refugee camps and settlements at a reasonable distance from the border, maintaining law and order, curtailing the flow of arms into refugee camps and settlements, preventing their use for the internment of prisoners of war, as well as through the disarmament of armed elements and identification, separation and internment of combatants];

6. [*Urges* refugee-hosting States to respect the civilian and humanitarian character of refugee camps by preventing the use of refugee camps for purposes which are incompatible with their civilian character];

7. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

8. *Reaffirms* that international protection and the search for durable solutions for refugees and, as appropriate, other persons of concern to the Office of the United Nations High Commissioner for Refugees, which were examined, inter alia, in the Global Consultations process and are reflected in the Agenda for Protection,[14] are at the core of the mandate of the Office of the United Nations High Commissioner for Refugees;

9. *Welcomes* the efforts of the Office of the United Nations High Commissioner for Refugees to strengthen its linkages with the other parts of the United Nations system to enhance refugee protection and to identify and implement durable solutions for refugees and other persons of concern to the Office, and appreciates the efforts of the Office to strengthen partnerships with operational and implementing partners;

10. *Takes note* of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees as an expression of their collective commitment to fu.. and effective implementation of the Convention[8] and the Protocol;[9]

11. *Reaffirms* that the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as complemented by the Organization of African Unity Convention of 1969, remain the foundation of the international refugee protection

[14] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12*, addendum (A/57/12/Add.1), annex IV.

regime in Africa, encourages African States that have not yet done so to accede to those instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

12. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

13. *Also notes* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and calls for redoubled and concerted efforts by States, in collaboration with the African Union, to promote and protect human rights for all and to address those problems;

14. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa, and welcomes in this regard the signing of the memorandum of understanding between the African Commission on Human and Peoples' Rights and the United Nations High Commissioner for Refugees on 26 May 2003;

15. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the African Union and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

16. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

17. *Welcomes* the decision of African heads of State and Government to address the situation of refugees, returnees and displaced persons in Africa within the context of the New Partnership for Africa's Development;[7]

18. *Expresses its concern* about instances in which the fundamental principles of asylum are jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

19. *Reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection, and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements [or used for purposes which are incompatible with their civilian character];

20. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the United Nations High Commissioner for Refugees, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and to bring to justice persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

21. *Condemns* any exploitation of refugees, especially their sexual abuse and exploitation, calls for those responsible for such deplorable acts to be brought to justice, in this regard welcomes the Conclusion on Protection from Sexual Abuse and Exploitation adopted during the fifty-fourth session of the Executive Committee of the Office of the United Nations High Commissioner for Refugees, and notes with deep concern that inadequate protection and/or inappropriate assistance, particularly the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

22. *Welcomes* the decision by the Office of the High Commissioner to put into place a code of conduct for humanitarian personnel aimed at preventing the exploitation of refugees, especially in the area of sexual exploitation;

23. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

24. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

25. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

26. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner with the cooperation and collaboration of countries hosting refugees and countries of origin, and welcomes the efforts under way, in cooperation with other United Nations agencies and development actors, to promote a framework for durable solutions, particularly in

protracted refugee situations, including the 4Rs approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

27. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

28. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes which benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

29. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental organizations and the international community to address the environmental and socio-economic impact of refugee populations;

30. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

31. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

32. *Acknowledges* the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

33. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries with a view to evaluating and addressing the needs of those refugees;

34. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

35. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

36. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

37. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement

and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[15] and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

38. *Invites* the Representative of the Secretary-General on internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

39. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-ninth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2004.

---

[15] E/CN.4/1998/53/Add.2, annex.

United Nations A/C.3/58/L.37/Rev.1

General Assembly

Distr.: Limited
11 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Sudan:* revised draft resolution

Assistance to refugees, returnees and displaced persons in Africa

The General Assembly,

Recalling its resolution 57/183 of 18 December 2002,

Recalling also the provisions of its resolution 2312 (XXII) of 14 December 1967, by which it adopted the Declaration on Territorial Asylum,

Recalling further the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969[1] and the African Charter on Human and Peoples' Rights,[2]

Recalling the Khartoum Declaration[3] and the Recommendations on Refugees, Returnees and Internally Displaced Persons in Africa[4] adopted by the Organization of African Unity[5] at the ministerial meeting held at Khartoum on 13 and 14 December 1998,

Welcoming decision EC/CL/Dec.27 (III) on the situation of refugees, returnees and displaced persons in Africa adopted by the Executive Council of the African Union at its third ordinary session, held at Maputo from 4 to 8 July 2003,

Welcoming also decision AHG/Dec.165 (XXXVII) on the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees by the

* On behalf of the States Members that are members of the African Group.

[1] United Nations, *Treaty Series*, vol. 1001, No. 14691.

[2] Ibid., vol. 1520, No. 26363.

[3] A/54/682, annex I.

[4] Ibid., annex II.

[5] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

03-60897 (E) 111103

Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001,[6]

Recalling General Assembly resolution 57/2 of 16 September 2002 on the United Nations Declaration on the New Partnership for Africa's Development, and affirming that international support for the implementation of the New Partnership for Africa's Development[7] is essential, notably as it relates to refugees, returnees and displaced persons,

Reaffirming that the 1951 Convention relating to the Status of Refugees,[8] together with the 1967 Protocol thereto,[9] as complemented by the Organization of African Unity Convention of 1969, remains the foundation of the international refugee protection regime in Africa,

Recognizing that the fundamental principles and rights embodied in those Conventions have provided a resilient protection regime within which millions of refugees have been able to find safety from armed conflicts and persecution,

Welcoming in that regard the Declaration adopted at the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, held at Geneva on 12 and 13 December 2001,[10] as an expression of their collective commitment to full and effective implementation of the Convention and the Protocol,

Recalling the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, and noting its endorsement by the Council of Ministers of the Organization of African Unity at its seventy-second ordinary session, held at Lomé from 6 to 8 July 2000,[11]

Commending the convening of the First Ministerial Conference on Human Rights in Africa of the African Union, which was held at Kigali on 8 May 2003, and recalling the attention paid to issues relevant to refugees and displaced persons in the Declaration and Plan of Action adopted by the Conference,

Recognizing the contributions made by African States to the development of regional standards for the protection of refugees and returnees, and noting with appreciation that countries of asylum are hosting refugees in a humanitarian spirit and in a spirit of African solidarity and brotherhood,

Recognizing also the need for States to address resolutely the root causes of forced displacement and to create conditions that facilitate durable solutions for refugees and displaced persons, and stressing in that regard the need for States to

---

[6] See A/56/457, annex I.

[7] A/57/304, annex.

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

[10] HCR/MMSP/2001/10, annex I.

[11] See A/55/286, annex I, decision CM/Dec.531 (LXXII), para. 8.

foster peace, stability and prosperity throughout the African continent to forestall large refugee flows,

Convinced of the need to strengthen the capacity of States to provide assistance to and protection for refugees, returnees and displaced persons and of the need for the international community, within the context of burden-sharing, to increase its material, financial and technical assistance to the countries affected by refugees, returnees and displaced persons, to simultaneously address the inadequacies of existing assistance arrangements and to support initiatives in this regard,

Acknowledging with appreciation that some assistance is already rendered by the international community to refugees, returnees and displaced persons and host countries in Africa,

Noting the Convention Plus initiative of the Office of the United Nations High Commissioner for Refugees, which is aimed at strengthening the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions,

Deeply concerned about the continuing critical humanitarian situation in African countries, in particular in the Horn of Africa and southern Africa, aggravated, among other things, by persistent natural disasters, including drought, floods and desertification, which can precipitate the displacement of people,

Noting with great concern that, despite all the efforts made so far by the United Nations, the African Union and others, the situation of refugees and displaced persons in Africa remains precarious,

Stressing that the provision of relief and assistance to African refugees by the international community should be on an equitable and non-discriminatory basis,

Considering that, among refugees, returnees and internally displaced persons, women and children are the majority of the population affected by conflict and bear the brunt of atrocities and other consequences of conflict,

1. *Takes note* of the reports of the Secretary-General[12] and the United Nations High Commissioner for Refugees;[13]

2. *Notes with concern* that the deteriorating socio-economic situation, compounded by political instability, internal strife, human rights violations and natural disasters, has led to increased numbers of refugees and displaced persons in some countries of Africa, and remains particularly concerned about the impact of large-scale refugee populations on the security, socio-economic situation and environment of countries of asylum;

3. *Encourages* African States to ensure the full implementation of and follow-up to the Comprehensive Implementation Plan adopted by the Special Meeting of Governmental and Non-Governmental Technical Experts convened by the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees at Conakry from 27 to 29 March 2000 on the occasion

[12] A/58/353.

[13] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* and addendum (A/58/12 and Add.1).

of the thirtieth anniversary of the adoption of the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969;[1]

4. *Calls upon* States and other parties to armed conflict to observe scrupulously the letter and the spirit of international humanitarian law, bearing in mind that armed conflict is one of the principal causes of forced displacement in Africa;

5. *Expresses its appreciation* for the leadership shown by the United Nations High Commissioner for Refugees since assuming office in January 2001, and commends the Office of the High Commissioner for its ongoing efforts, with the support of the international community, to assist African countries of asylum and to respond to the protection and assistance needs of refugees, returnees and displaced persons in Africa;

6. *Reaffirms* that international protection and the search for durable solutions for refugees and, as appropriate, other persons of concern to the Office of the United Nations High Commissioner for Refugees, which were examined, inter alia, in the Global Consultations process and are reflected in the Agenda for Protection,[14] are at the core of the mandate of the Office;

7. *Welcomes* the efforts of the Office to strengthen its linkages with the other parts of the United Nations system to enhance refugee protection and to identify and implement durable solutions for refugees and other persons of concern to the Office, and appreciates the efforts of the Office to strengthen partnerships with operational and implementing partners;

8. *Takes note* of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees as an expression of their collective commitment to full and effective implementation of the Convention[8] and the Protocol;[9]

9. *Reaffirms* that the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, as complemented by the Organization of African Unity Convention of 1969, remain the foundation of the international refugee protection regime in Africa, encourages African States that have not yet done so to accede to those instruments, and calls upon States parties to the Conventions to reaffirm their commitment to their ideals and to respect and observe their provisions;

10. *Notes* the need for States to address the root causes of forced displacement in Africa, and calls upon African States, the international community and relevant United Nations organizations to take concrete action to meet the needs of refugees, returnees and displaced persons for protection and assistance and to contribute generously to national projects and programmes aimed at alleviating their plight;

11. *Also notes* the link, inter alia, between human rights violations, poverty, natural disasters and environmental degradation and population displacement, and calls for redoubled and concerted efforts by States, in collaboration with the African Union, to promote and protect human rights for all and to address those problems;

---

[14] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12*, addendum (A/57/12/Add.1), annex IV.

12. *Encourages* the Office of the United Nations High Commissioner for Refugees to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the African Commission on Human and Peoples' Rights, within their respective mandates, in the promotion and protection of the human rights and fundamental freedoms of refugees, returnees and displaced persons in Africa, and welcomes in this regard the signing of the memorandum of understanding between the African Commission on Human and Peoples' Rights and the Office of the United Nations High Commissioner for Refugees on 26 May 2003;

13. *Notes with appreciation* the ongoing mediation and conflict resolution efforts carried out by African States, the African Union and subregional organizations, as well as the establishment of regional mechanisms for conflict prevention and resolution, and urges all relevant parties to address the humanitarian consequences of conflicts;

14. *Expresses its appreciation and strong support* for those African Governments and local populations that, in spite of the general deterioration of socio-economic and environmental conditions and overstretched national resources, continue to accept the additional burden imposed upon them by increasing numbers of refugees and displaced persons, in compliance with the relevant principles of asylum;

15. *Welcomes* the decision of African heads of State and Government to address the situation of refugees, returnees and displaced persons in Africa within the context of the New Partnership for Africa's Development;[7]

16. *Expresses its concern* about instances in which the fundamental principles of asylum are jeopardized by unlawful expulsion or refoulement or by threats to the life, physical security, integrity, dignity and well-being of refugees;

17. *Reaffirms* that host States have the primary responsibility to ensure the civilian and humanitarian character of asylum, and calls upon States, in cooperation with international organizations, within their mandates, to take all necessary measures to ensure respect for the principles of refugee protection, and, in particular, to ensure that the civilian and humanitarian nature of refugee camps is not compromised by the presence or the activities of armed elements or used for purposes which are incompatible with their civilian character;

18. *Deplores* the deaths, injuries and other forms of violence sustained by staff members of the Office of the United Nations High Commissioner for Refugees, urges States, parties to conflict and all other relevant actors to take all necessary measures to protect activities related to humanitarian assistance, to prevent attacks on and kidnapping of national and international humanitarian workers and to ensure their safety and security, calls upon States to investigate fully any crime committed against humanitarian personnel and to bring to justice persons responsible for such crimes, and calls upon organizations and aid workers to abide by the national laws and regulations of the countries in which they operate;

19. *Condemns* any exploitation of refugees, especially their sexual abuse and exploitation, calls for those responsible for such deplorable acts to be brought to justice, in this regard welcomes the Conclusion on Protection from Sexual Abuse and Exploitation adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fourth session, and notes with deep concern that inadequate protection and/or inappropriate assistance,

particularly concerning the quantity and quality of food and other material assistance, increases the vulnerability of refugees and asylum-seekers to sexual abuse and exploitation;

20. *Welcomes* the decision by the Office of the High Commissioner to put into place a code of conduct for humanitarian personnel aimed at preventing the exploitation of refugees, especially in the area of sexual exploitation;

21. *Calls upon* the Office of the High Commissioner, the African Union, subregional organizations and all African States, in conjunction with agencies of the United Nations system, intergovernmental and non-governmental organizations and the international community, to strengthen and revitalize existing partnerships and forge new ones in support of the international refugee protection system;

22. *Calls upon* the Office of the High Commissioner, the international community and other concerned entities to intensify their support to African Governments through appropriate capacity-building activities, including training of relevant officers, disseminating information about refugee instruments and principles, providing financial, technical and advisory services to accelerate the enactment or amendment and implementation of legislation relating to refugees, strengthening emergency response and enhancing capacities for the coordination of humanitarian activities;

23. *Reaffirms* the right of return and also the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options for dealing with the situation of African refugees who, owing to prevailing circumstances in their respective countries of origin, are unable to return home;

24. *Notes with satisfaction* the voluntary return of millions of refugees to their homelands following the successful repatriation and reintegration operations carried out by the Office of the High Commissioner with the cooperation and collaboration of countries hosting refugees and countries of origin, and welcomes the efforts under way, in cooperation with other United Nations agencies and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the 4Rs approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

25. *Appeals* to the international community to respond positively, in the spirit of solidarity and burden-sharing, to the third-country resettlement requests of African refugees, and notes with appreciation that some African countries have offered resettlement places for refugees;

26. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes which benefit both refugees and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

27. *Welcomes* the programmes carried out by the Office of the High Commissioner with host Governments, the United Nations, non-governmental

organizations and the international community to address the environmental and socio-economic impact of refugee populations;

28. *Calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure affected by refugees in countries of asylum;

29. *Expresses its concern* about the long stay of refugees in certain African countries, and calls upon the Office of the High Commissioner to keep its programmes under review, in conformity with its mandate in the host countries, taking into account the increasing needs of refugees;

30. *Notes* the conclusion adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees at its fifty-fourth session on the importance of early and effective registration systems and censuses as a tool of protection and as a means to enable the quantification and assessment of needs for the provision and distribution of humanitarian assistance and to implement appropriate durable solutions;

31. *Emphasizes* the need for the Office of the High Commissioner to collate statistics, on a regular basis, on the number of refugees living outside refugee camps in certain African countries with a view to evaluating and addressing the needs of those refugees;

32. *Urges* the international community, in a spirit of international solidarity and burden-sharing, to continue to fund generously the refugee programmes of the Office of the High Commissioner and, taking into account the substantially increased needs of programmes in Africa, to ensure that Africa receives a fair and equitable share of the resources designated for refugees;

33. *Requests* all Governments and intergovernmental and non-governmental organizations to pay particular attention to meeting the special needs of refugee women and children and displaced persons, including those with special protection needs;

34. *Calls upon* States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly refugees are fully respected and addressed through appropriate programme activities;

35. *Expresses grave concern* about the plight of internally displaced persons in Africa, calls upon States to take concrete action to pre-empt internal displacement and to meet the protection and assistance needs of internally displaced persons, recalls in that regard the Guiding Principles on Internal Displacement,[15] and urges the international community, led by relevant United Nations organizations, to contribute generously to national projects and programmes aimed at alleviating the plight of internally displaced persons;

36. *Invites* the Representative of the Secretary-General on internally displaced persons to continue his ongoing dialogue with Member States and the intergovernmental and non-governmental organizations concerned, in accordance with his mandate, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

[15] E/CN.4/1998/53/Add.2, annex.

37. *Requests* the Secretary-General to submit a comprehensive report on assistance to refugees, returnees and displaced persons in Africa to the General Assembly at its fifty-ninth session, taking fully into account the efforts expended by countries of asylum, under the item entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions", and to present an oral report to the Economic and Social Council at its substantive session of 2004.

United Nations

A/C.3/58/L.38

General Assembly

Distr.: Limited
5 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Angola, Bangladesh, Benin, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Iran (Islamic Republic of), Kenya, Niger and Sudan: draft resolution

Assistance to unaccompanied refugee minors

The General Assembly,

Recalling its resolutions 49/172 of 23 December 1994, 50/150 of 21 December 1995, 51/73 of 12 December 1996, 52/105 of 12 December 1997, 53/122 of 9 December 1998, 54/145 of 17 December 1999 and 56/136 of 19 December 2001,

Aware of the fact that the majority of refugees are children and women,

Bearing in mind that unaccompanied refugee minors are among the most vulnerable refugees and the most at risk of neglect, violence, forced military recruitment, sexual assault, abuse and vulnerability to infectious disease, such as malaria, human immunodeficiency virus/acquired immunodeficiency syndrome and tuberculosis, and therefore require special assistance and care,

Mindful of the fact that the ultimate solution to the plight of unaccompanied minors is their return to and reunification with their families,

Bearing in mind that the most important steps in working with unaccompanied minors are rapid identification, immediate registration and documentation and tracing of family,

Reaffirming the outcome document entitled "A world fit for Children", adopted by the General Assembly at its twenty-seventh special session on 10 May 2002,[1]

Noting with appreciation the efforts of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund in the

[1] Resolution S-27/2, annex.

03-59941 (E) 061103

identification and tracing of unaccompanied minors, and welcoming their efforts in reunifying families of refugees,

Welcoming the efforts exerted by the United Nations High Commissioner for Refugees to reunite refugees with their families,

Noting the efforts of the High Commissioner to ensure the protection of and assistance to refugees, including children and unaccompanied minors, and that further enhanced efforts need to be exerted to this effect,

Recalling the provisions of the Convention on the Rights of the Child,[2] and the 1951 Convention[3] and 1967 Protocol thereto[4] relating to the Status of Refugees,

1. *Takes note* of the report of the Secretary-General;[5]

2. *Expresses its deep concern* at the continuing plight of unaccompanied refugee minors, and emphasizes once again the urgent need for their early identification and for timely, detailed and accurate information on their number and whereabouts;

3. *Stresses* the importance of providing adequate resources for programmes of identification, registration, documentation and tracing of unaccompanied minors and their reunification with their families;

4. *Calls upon* the Office of the United Nations High Commissioner for Refugees, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing the separation of refugee families, conscious of the importance of family unity;

5. *Calls upon* all Governments, the Secretary-General, the Office of the High Commissioner, all United Nations organizations, as well as other international organizations and non-governmental organizations concerned to exert the maximum effort to assist and protect refugee minors and to expedite the return and reunification with their families of unaccompanied refugee minors;

6. *Urges* the Office the High Commissioner, all United Nations organizations, as well as other international organizations and non-governmental organizations concerned to take appropriate steps to mobilize resources commensurate with the needs of unaccompanied refugee minors and for their reunification with their families;

7. *Calls upon* all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Convention of 12 August 1949[6] and related instruments, and to respect the provisions of the Convention on the Rights of the Child,[2] which accord children affected by armed conflict special protection and treatment;

8. *Condemns* all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced

---

[2] Resolution 44/25, annex.

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] A/58/299.

[6] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

recruitment into military forces, and any other acts that endanger their safety and personal security;

9. *Acknowledges* that education is the most effective initial means of ensuring protection for unaccompanied minors, especially girls, by shielding them from exploitative activities such as child labour, military recruitment or sexual exploitation and abuse;

10. *Calls upon* the Secretary-General, the United Nations High Commissioner for Refugees, the Office for Coordination of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund, other United Nations organizations and other international organizations to mobilize adequate assistance to unaccompanied refugee minors in the areas of relief, education, recreational activities, health and psychological rehabilitation;

11. *Encourages* the Special Representative of the Secretary-General for Children and Armed Conflict in his efforts to raise awareness worldwide and mobilize official and public opinion for the protection of children affected by armed conflict, including refugee minors;

12. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution and to give special attention in his report to the girl child refugee.

United Nations A/C.3/58/L.39

General Assembly

Distr.: Limited
6 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zambia: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fourth session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

[1] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* (A/58/12).
[2] Ibid., *Supplement No. 12 A* (A/58/12/Add.1).

03-60058 (E) 071103

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-fourth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the conclusions adopted on international protection, on the return of persons not in need of international protection, on protection safeguards in interception measures, and on protection from sexual abuse and exploitation, which are aimed at strengthening the international protection regime consistent with the Agenda for Protection[3] resulting from the Global Consultations on International Protection and at assisting Governments in meeting their protection responsibilities in today's changing international environment;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[4] and its 1967 Protocol[5] as the foundation of the international refugee protection regime, and recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-five States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that fifty-four States are now parties to the 1954 Convention relating to the Status of Stateless Persons[6] and that twenty-six States are parties to the 1961 Convention on the Reduction of Statelessness,[7] and encourages the High Commissioner to continue his activities on behalf of stateless persons;

5. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions;

6. *Emphasizes* that international protection is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups, and notes in this context that the delivery of

---

[3] Ibid., *Fifty-seventh Session, Supplement No. 12 A* (A/57/Add.1, annex IV).

[4] United Nations, *Treaty Series*, vol. 189, No. 2545.

[5] Ibid., vol. 606, No. 8791.

[6] United Nations, *Treaty Serires*, vol. 360, No. 5158.

[7] Ibid., vol. 989, No. 14458.

international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

7. *Welcomes* the High Commissioner's "Convention Plus" initiative,[8] and encourages the High Commissioner and those States which have offered to facilitate Convention Plus agreements to strengthen the international protection regime through the development of comprehensive approaches to resolving refugee situations, including improving international burden- and responsibility-sharing and realizing durable solutions;

8. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and other displaced persons and in finding durable solutions to their situations, and welcomes the efforts under way, in cooperation with other United Nations agencies and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, including the "4-Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by countries that have received large numbers of refugees and asylum-seekers, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, particularly least developed countries, and countries with economies in transition;

10. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation remains the preferred solution, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration;

11. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

12. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[9] and by subsequent General Assembly resolutions concerning refugees and

[8] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12* (A/58/12), para. 24.

[9] Resolution 428 (V), annex.

other persons of concern, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

13. *Requests* the High Commissioner to report on his activities to the General Assembly at its fifty-ninth session.

United Nations A/C.3/58/L.40

General Assembly

Distr.: Limited
6 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Egypt and Zambia: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decisions 2003/285 and 2003/286 of 24 July 2003 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 23 September 2002 from the Permanent Representative of Egypt to the United Nations[1] and the note verbale dated 25 April 2003 from the Permanent Mission of Zambia to the United Nations[2] both addressed to the Secretary-General,

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from sixty-four to sixty-six States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2004.

[1] E/2003/3.
[2] E/2003/77.

03-60072 (E) 071103

United Nations A/C.3/58/L.41

General Assembly

Distr.: Limited
6 November 2003

Original: English

Fifty-eighth session
Third Committee
Agenda item 112
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Argentina, Austria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Hungary, Ireland, Italy, Netherlands, Norway, Poland, Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate

The General Assembly,

Recalling its resolution 428 (V) of 14 December 1950, the annex to which contains the Statute of the Office of the United Nations High Commissioner for Refugees, and its resolution 57/186 of 18 December 2002, on the continuation of the Office of the United Nations High Commissioner for Refugees,

Appreciating the High Commissioner's concerted efforts in undertaking consultations with the Secretary-General and the members of the Executive Committee of the High Commissioner's Programme and observers of its Standing Committee through the process known as "UNHCR 2004", concerning how the Office of the High Commissioner could be better equipped to carry out its mandate in the changing context of the global situation, and noting that this is in support and in the context of the goals, objectives and commitments contained in the United Nations Millennium Declaration,[1] as well as the Secretary-General's efforts to strengthen the United Nations system,

1. *Welcomes* the report of the High Commissioner on strengthening the capacity of the Office of the High Commissioner to carry out its mandate,[2] as called for in resolution 57/186;

[1] See resolution 55/2.
[2] See A/58/410.

03-60135 (E) 071103

2. *Reaffirms* that international protection and the search for durable solutions for refugees and, as applicable, other persons of concern to the Office of the High Commissioner, questions that were examined, inter alia, in the Global Consultations on International Protection process and are reflected in the Agenda for Protection,[3] are the core of the mandate of the Office;

3. *Welcomes* the efforts of the Office of the High Commissioner to strengthen its linkages with the other parts of the United Nations system to enhance refugee protection and to identify and implement durable solutions for refugees and other persons of concern to the Office, and appreciates its efforts to strengthen partnerships with operational and implementing partners;

4. *Welcomes* the admission of the Office to the United Nations Development Group, and invites the Development Group to include, through the resident coordinator system and in full consultation with the Governments concerned, consideration of the needs of refugees and, as applicable, other persons of concern to the Office of the High Commissioner in the Common Country Assessment process and the subsequent formulation and implementation of their development programmes;

5. *Notes* the importance of the support of the Office of the High Commissioner, within its mandate, for the efforts of the Emergency Relief Coordinator to promote predictable and timely United Nations strategies that, inter alia, integrate durable solutions for refugees with those for internally displaced persons;

6. *Highlights* the importance of joint efforts of the United Nations Department of Political Affairs and Department of Peacekeeping Operations, together with the Office of the High Commissioner, which contribute to durable solutions for refugees in conflict and post-conflict situations, encourages the Office to play a more active role, including through sharing information with relevant United Nations forums, and stresses that all of these activities should be undertaken in a way consistent with the mandate of the Office;

7. *Recalls* paragraph 20 of the Statute of the Office of the United Nations High Commissioner for Refugees, and calls for its application;

8. *Reaffirms* the continued voluntary nature of the funding of the Office of the High Commissioner in accordance with its Statute, while recognizing the importance of contributions made by countries hosting refugees, especially developing countries, notes the need for more equitable international responsibility and burden-sharing, expresses concern over the recurring shortfall in the funding of the Office, requests that States, within their capacities, contribute to the full funding of the budget level approved by the Executive Committee, and encourages the Office to continue its efforts to expand its donor base and to diversify funding sources, including through the private sector;

9. *Decides* to remove the temporal limitation on the continuation of the Office of the High Commissioner contained in its resolution 57/186 of 18 December 2002 and to continue the Office of the High Commissioner until the refugee problem is solved;

---

[3] See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 12A* (A/58/12/Add.1).

10. *Decides* that the High Commissioner shall report annually on an oral basis to the Economic and Social Council to keep it informed of the coordination aspects of the work of the Office, and shall continue the existing practice, as established in paragraph 11 of its Statute, of presenting an annual written report to the General Assembly, on the understanding that every ten years, beginning at the sixty-eighth session, the report will include a strategic review of the global situation of refugees and the role of the Office, prepared in consultation with the Secretary-General and the Executive Committee.